

Approved: Meeting No. 40-81

Attest: *Helen Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 37-81

November 2, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, on Monday, November 2, 1981, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Clerk Helen Heneghan; City Manager Larry Blick; City Attorney Roger Titus; Director of Community Development and Housing Authority Douglas Horne; Director of Recreation and Park Ronald Olson; Budget Officer Anna Lee Berman; Director of Planning James M. Davis; and Director of Public Works Robert Goodin; Information Officer Sue M. Patterson.

Re: City Manager's Report

Mr. Blick reported the following:

1. An appeal has been filed against the City's favorable decision on Gude Drive. The College Gardens Civic Association filed before the deadline and is questioning the crossing of I-270 by Gude Drive according to environmental impact.
2. On Saturday, the Board of Appeals will hear a special exception for an alternative use of Broome Junior High. The school will be shared by the Board of Elections Supervisors of Montgomery County and the International Center for Law Enforcement Training. The City's recreation department will continue to use the gymnasium and ball fields.
3. The Frederick overpass has been completed and is opened to the public.
4. The contractor has finished the smooth seal program. 13.5 miles of road were refinished and striped.

Re: Proclamation: Disabled Persons
Awareness Month - November

Proclamation No. 10-81

There being no objection from the Council, Mayor Hanna proceeded to issue Proclamation No. 10-81, the full text of which can be found in Proclamation

File No. 2 proclaiming the month of November as the International Year of Disabled Persons Awareness Month. Councilwoman Fordham read the proclamation at the request of the Mayor in which it was urged that the American public understand disability and assist in assuring full participation in the life of society for all citizens.

Re: Proclamation: To Commend
Synchronized Swim Team

Proclamation No. 11-81

There being no objection from the Council, Mayor Hanna proceeded to issue Proclamation No. 11-81, the full text of which can be found in Proclamation File No. 2 commending Nicole Dennard, Beth Feinman, Sandra McGrath, and Dorothy Sullivan, members of the Rockville Municipal Swim Club. Councilman Freeland read the proclamation at the request of the Mayor and commended the girls for their outstanding achievement in bringing additional honors to the City of Rockville. Mayor Hanna presented the proclamation to the coach of the team and plaques to the girls on behalf of the City.

Re: Award of Contract: Bid
No. 6-82, Three diesel powered
refuse trucks

Staff recommends that bids received for chassis and bodies of three diesel powered refuse trucks be rejected.

Only two bids for truck chassis were received (one of which did not meet the technical requirements of the bid); and received only five body bids (one of which did not meet the technical requirements of the bid).

In reviewing responses to the bid invitation, staff finds that several chassis bidders were inadvertently excluded because of a requirement for cab-over-engine chassis. In 1981, only two truck manufacturers produced cab-over-engine chassis in the weight classification of truck requested by the bid.

The combined low chassis and body bids exceeded the budgeted amount by approximately \$7,100.

Therefore, (1) because the bids exceed the budgeted amount, and (2) because it is in the City's best interest to readvertise for bids with specifications changed to permit additional bidders, staff recommends Mayor and Council reject bids and authorize the City to readvertise.

Councilman Abrams commented that it appeared to him the one bidder is being placed at a disadvantage since in the future exercise, his bid has already been announced. He said this is a situation where the City has changed its mind and he is troubled by it. Mayor Hanna disagreed and said that the items went over the budgeted amount so the City has a perfect right to reject and is not doing anything unusual or different than it would if there were 20 bidders.

On motion of Councilman Tyner, duly seconded and passed, only Councilman Abrams voting nay, the bids were rejected and the staff was authorized to rebid.

Re: Approval of property
purchase from Exxon Corpora-
tion - N. Washington Street

This is an Offer of Sale of Land contract for the purchase of property from the Exxon Corporation. This property is needed in connection with the planned reconstruction of North Washington Street to be undertaken between Jefferson Street and Beall Avenue. North Washington Street will be widened for better traffic circulation and additional improvements will include a unique streetscape design as proposed by Arthur Cotton Moore Associates in connection with the City's Town Center Urban Design Plan.

The contract with the Exxon Corporation is in the amount of \$10,000 for rights-of-way being purchased at the existing Hickman Service Station site. This taking consists of a 466.51 square foot strip of land in fee simple; an 8 foot wide temporary construction and slope easement; and, an allocation for loss of existing paving.

The Exxon property has been the subject of independent professional real estate appraisals by Messrs. E. L. Dieudonne, Jr., SRA, and John E. Gogarty, MAI. The contract reflects a price believed to be fair to both the City and the property owner. The office of the City Attorney has reviewed this contract as to form and legality.

It is recommended that the Offer of Sale of Land contract be approved by the Mayor and Council.

On motion of Councilman Freeland, duly seconded and unanimously passed, the contract for Sale of Land was approved by the Mayor and Council.

Re: Introduction of Ordinance:
To amend Section 3-106 b) of
Chapter 3 of the Laws of
Rockville entitled "Personnel
Regulations", to authorize
the establishment of career
incentive plans

On motion of Councilman Tyner, there was introduced upon the table an ordinance amending Section 3-106 b) of Chapter 3 of the Laws of Rockville to authorize the establishment of career incentive plans, said ordinance to lay over at least one week before final action is taken.

Re: Adoption of Ordinance:
To grant Text Amendment Application
T-49-81, to provide for Christmas
tree sales and other temporary
uses

Ordinance No. 44-81

On motion of Councilman Freeland, duly seconded and unanimously passed, Ordinance No. 44-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, granting Text Amendment application T-49-81, was adopted by the Mayor and Council.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. John Brewer, President of the West End Citizens Association. Mr. Brewer addressed the Council regarding the City's inspection program and invited councilmembers to attend the associations general meeting on November 5 where Paul Radauskas will present the program to the people. He promised a spirited discussion.

2. Howard Silberstein. Mr. Silberstein commended the Council on declaring Disabled Persons Month. He brought to their attention the traffic situation that occurs in Rockshire at Dundee Road where cars are speeding and either additional signs or more patrol is needed. He also suggested that the intersection where Seven Locks and West Ritchie Parkway meet, needs a traffic light due to a rise in the road and traffic from the bike facility on the opposite side. Mayor Hanna thanked Mr. Silberstein and said the Traffic and Transportation Commission will review both matters.

3. Robert Jacques. Mr. Jacques told the Council that the redistricting plan has been sent to the governor's committee and the delegation said it is

the only favorable plan. The Mayor and Council discussed the entire redistricting plan at length and said they are protesting the plan since municipalities with a diversity of interests have all been placed in one district.

4. Steve Fisher, vice-president of the Burgundy Knolls Civic Association. Mr. Fisher thanked the Council for the installation of the traffic light at Taft and Gude. He said it should be fully operational soon. He commended them on the good program Friday night as part of the Six Enchanted Evenings Concert series and also complimented them on the Peerless Rockville Tour that took place last weekend.

There being no other citizen wishing to be heard, the Mayor closed the citizens forum portion of the meeting.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Mr. & Mrs. E. Fitzgerald, re R.I.S.E.

Councilwoman Fordham said the program definitely needs more control and it should be better operated or it must be discontinued. Mayor Hanna agreed and asked for a full explanation.

2. County Executive, re termination of Lincoln Park shuttle
3. Ralph Salmon, re gun control

Councilman Abrams explained that the City's authority gets confused. He thought that the City had the ability to do something about gun control, but the City Attorney explained that the State has preempted the City's authority. He suggested this be taken up with MACO and with the Legislative Action Committee of the Maryland Municipal League. He will ask the L.A.C. that the League consider an amendment of repeal of Section 442a of Article 27. Mayor Hanna told the Council that the Council of Governments is in the process of operating a program on this, perhaps the City could do better working regionally. The City Manager noted that COG is asking Maryland and Virginia legislatures to change the laws and he will get that material before the Council by the next meeting.

4. J.A. Lynott, re Text Amendment T-47-81 questions
5. M.E. Jaffe, re recreation events

Re: Information Items

1. Copy of petition to Animal Control Board

Mayor Hanna said this is a totally unacceptable situation. There should be a limit on the number of dogs per household and no place in the City can have 11 dogs. He asked that the staff look into this and if necessary bring forward a modification to the ordinance so that this situation does not repeat itself. He told the City Manager, if necessary, to get conformance with the law, that the County's health law should be brought into the situation.

2. Memo re Art in Public Architecture

Councilwoman Fordham said this is one of the most confusing memoranda she has ever read. She asked the City Manager to explain it. He explained that it deals with the funds for art pieces for the Civic Center. Councilwoman Fordham said the Mayor and Council would like to see the art work before it is purchased. Councilman Freeland disagreed and said he did not wish to have that choice, he would pass to an expert. Mayor Hanna said none of the Mayor and Council is an art critic and there is no reason why they should have to decide on a particular piece, but they certainly know what is unacceptable.

3. Copy of letter to Denham/Woodburn residents
4. Copy of letter complimenting City employees
5. Police reports
6. City Manager's Annual Report
7. Memo on legislative redistricting

Re: Executive Session

There being no further business to come before the Mayor and Council in general session, the meeting was closed for executive session on motion of Councilman Abrams to discuss contract negotiation and property disposition.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 1:15 a.m. to convene again in general session on Monday, November 9, 1981, at 8:00 p.m. or at the call of the Mayor.